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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,791	08/06/2003	Edward C. DeMeter	68,227-009	2724

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EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,791

Applicant(s)

DEMETER, EDWARD C.

Examiner

Gladys JP Corcoran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 8-10, 20-23, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 11-19, 24 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32, 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not pointed to where there is support in the Specification for newly submitted claims 32 and 33. In particular, for the surface "being shaped to conform with an adherent surface of the workpiece" and for the wave guide or lens "capable of redirecting radiation from said radiant energy delivery system". Clarification and/or amendment is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-9, 32, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (U.S. Patent 5,981,361).

Yamada discloses an adhesive work holding system for securing a workpiece comprising a fixture (the apparatus), a radiation transmitting fixing surface (31) capable of receiving adhesive as claimed, and a radiant energy delivery system (13) (Column 8, lines 1-18). As to claim 32, the surface (31) is considered shaped to conform to a workpiece. As to claim 33, the surface is considered a lens which redirects the radiant energy through the surface.

5. Claims 8-9, 32, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (U.S. Patent 5,423,931).

Inoue et al discloses an adhesive work holding system for securing a workpiece comprising a fixture (the apparatus, 11), a radiation transmitting fixing surface (4) capable of receiving adhesive as claimed and a radiant energy delivery system (46) (See Figure 1, Column 13, lines 23-28). As to claim 32, the surface (4) is considered shaped to conform to a workpiece. As to claim 33, the surface is considered a lens which redirects the radiant energy through the surface.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (U.S. Patent 5,981,361) or Inoue et al (U.S. Patent 5,423,931).

Yamada and Inoue et al are relied upon for the teachings noted above for claims

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8 and 9. Both are silent towards the radiant energy delivery system being capable of emitting electron beam radiant energy and the fixing surface being capable of transmitting electron beam radiant energy, however electron beam energy is well known and conventional as an alternative to ultraviolet radiation and infrared radiation for curing or melting an adhesive. One skilled in the art would have readily appreciated using an alternative radiant energy source and choosing a surface, which would transmit such alternative radiant energy in the systems of Yamada and Inoue et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a radiant energy delivery system capable of emitting electron beam radiant energy and a fixing surface capable of transmitting electron beam radiant energy in the systems of Yamada and Inoue et al.

8. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over one of Yamada (U.S. Patent 5,981,361) or Inoue et al (U.S. Patent 5,423,931) in view of the admitted prior art.

Regarding claim 20, Yamada and Inoue et al are relied upon for the teachings noted above for claims 8 and 9. Both are silent towards utilizing mechanical locators for positioning a workpiece relative to the fixture, however such is well known and conventional as shown for example in the admitted prior art (Specification, paragraph 0004). One skilled in the art would have readily appreciated including conventional positioning features in the systems of Yamada or Inoue et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include conventional mechanical locators for positioning in the systems of Yamada and Inoue et

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al.

Regarding claims 21-23, one skilled in the art would have readily appreciated having locators, which can be disengaged, removed, or retracted in order to prevent interference during manufacturing. It would have been obvious to include such in the systems of Inoue et al and Yamada, as modified above.

Allowable Subject Matter

9. Claims 11-19, 24 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 34 is allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: For the reasons as set forth in paragraph 10 of the prior Office Action filed October 13, 2005.

Response to Arguments

12. Applicant's arguments filed November 7, 2005 have been fully considered but they are not persuasive. Applicant argues that the references cited do not show the surface receiving an adhesive to define a gap between the fixture and the workpiece. Such limitations are considered part of the material worked upon and process limitations that are not given patentable weight in apparatus claims (see MPEP 2114, 2115). The apparatus in the references are fully capable of the newly claimed limitations.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys JP Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gladys JP Corcoran
Primary Examiner
Art Unit 1733

GJPC